**IN THE HIGH COURT OF UTTARANCHAL**
**AT NAINITAL**

**1. Criminal Misc. Application No. 623 of 2004**

Manoj Tewari S/o Sri Kewl Nand Tewari
R/o House No. 208 Room No. 14
Munirka Village
New Delhi – 67 ... Applicant

Vs

1. State of Uttaranchal through
   Home Secretary, Civil Secretariat, Dehradun
2. Station House Officer
   Police Station Haldwani, District Nainital
3. Smt. Vinita Tewari D/o Janardhan Tewari
   R/o Samtashram Gali
   Rampur Road, Haldwani ... Respondents

With

**2. Criminal Misc. Application No. 625 of 2004**

1. Kewala Nand Tewari
   S/o Late Sri Dharama Nand Tewari
   R/o Village Ayartuli
   P.O. Dangoli
   District Bageshwar
2. Prema Tewari W/o Kewala Nand Tewari
   R/o Village Ayartuli
   P.O. Dangoli
   District Bageshwar
3. Anjali Tewari D/o Shri Kewala Nand Tewari
   R/o Village Ayartuli
   P.O. Dangoli
   District Bageshwar
4. Naveen Tewari @ Naresh Kumar Tewari
   S/o Kewala Nand Tewari
   R/o Village Ayartuli
   P.O. Dangoli
   District Bageshwar ... Applicants

Vs

1. State of Uttaranchal through
   Home Secretary, Civil Secretariat, Dehradun
2. Station House Officer
   Police Station Haldwani, District Nainital
3. Smt. Vinita Tewari D/o Janardhan Tewari
   R/o Samtashram Gali
   Rampur Road, Haldwani ... Respondents

Sri Sudhir Singh, learned counsel for the petitioners

Smt Pushpa Joshi, learned counsel for the respondent No. 3
Learned A.G.A. for the State

**Hon'ble B.C. Kandpal, J.**

By way of the petition No. 623 of 2004, the petitioner – Manoj Tewari who is the husband of the respondent No. 3 has prayed for quashing the entire criminal proceedings in Criminal Case No. 288 of 2004 State Vs Manoj Kumar & others arising out of Case Crime No. 1736 of 2003 under Sections 498-A, 323, 504, 406, 506 I.P.C. pending in the court of Judicial Magistrate, Haldwani, District Nainital.

2. By way of the petition No. 623 of 2004, the petitioners, namely, Kewala Nand Tiwari – father-in-law, Prema Tewari – mother-in-law, Anjali – sister-in-law and Naveen Tewari @ Naresh Kumar Tewari – brother-in-law of the respondent No. 3 have prayed for quashing the chargesheet dated 07.11.2003 as well as entire criminal proceedings in Criminal Case No. 288 of 2004 State Vs Manoj Kumar & others under Sections 498-A, 323, 504, 406, 506 I.P.C. pending in the court of Judicial Magistrate, Haldwani, District Nainital.

3. Heard Sri Sudhir Singh, learned counsel for the petitioners, Smt. Pushpa Joshi, learned counsel for the respondent No. 3, learned A.G.A. for the State and perused the record.

5. At the time of hearing of this case, both the parties have submitted before the Court that the parties have entered into compromise and they are not intending to continue the cases pending against them relating to the matrimonial dispute in various courts. Both the parties have filed the

compromise deed, which was sent to the Additional Registrar of this Court for verification.

6. In compliance of the order passed by this Court both the parties appeared before the Additional Registrar on 11.08.2006. The Additional Registrar accordingly verified the compromise deed. Both the parties accepted the contents of the compromise deed before the Additional Registrar.

7. It is settled between the parties that the petitioner will make payment of Rs. 4,14,000/- to the respondent – Vinita Tewari in different installments as mentioned in the compromise deed towards one time settlement.

8. Having considered the material available on record and the fact that both the parties have entered into compromise and intend to settle down all the dispute pending between them relating to the matrimonial matter, I am of the view that the petitions are liable to be disposed of, in the light of the compromise arrived at between the parties as well as in the light of the direction issued by Hon'ble Supreme Court in ***Ruchi Agarwal Vs Amit Kumar Agarwal*** reported in ***(2005) 3 SCC page 299.***

9. I am of the view that both the petitions filed under Section 482 Cr.P.C. should be disposed of in the light of the aforesaid decision.

10. Accordingly, the petition No. 623 of 2004 is allowed and entire criminal proceedings in Criminal Case No. 288 of 2004 State Vs Manoj Kumar & others arising out of Case Crime No. 1736 of 2003 under Sections 498-A, 323, 504, 406,

506 I.P.C. pending in the court of Judicial Magistrate, Haldwani, District Nainital are hereby quashed.

11. Further the petition No. 625 of 2004 is allowed and the chargesheet dated 07.11.2003 as well as entire criminal proceedings in Criminal Case No. 288 of 2004 State Vs Manoj Kumar & others under Sections 498-A, 323, 504, 406, 506 I.P.C. pending in the court of Judicial Magistrate, Haldwani, District Nainital are also hereby quashed.

12. Accordingly, both the petitions under Section 482 Cr.P.C. are disposed of in terms of the compromise arrived at between the parties.

**(B.C. Kandpal, J.)**

23.08.2006
ASWAL